

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

LASHIFY, INC.,

Plaintiff,

v.

QINGDAO HOLLYREN COSMETICS
CO., LTD,

Defendant.

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CIVIL NO. W-22-CV-00777-ADA

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Derek T. Gilliland. ECF No. 105. The report recommends Plaintiff and Counterclaim-Defendant Lashify, Inc.'s Motion to Dismiss and Strike Counterclaim-Plaintiff's Counterclaim allegations, ECF No. 64, be **GRANTED IN PART**. The report and recommendation was filed on January 31, 2024.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing de novo review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.”

Battle v. U.S. Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), overruled on other grounds by *Douglass v. United States Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996)).

Plaintiff filed objections on February 13, 2024. ECF No. 110. As of the date of this order, Defendant has not filed objections. The Court has conducted a de novo review of the motion to dismiss and strike, the response, the report and recommendation, the objection to the report and

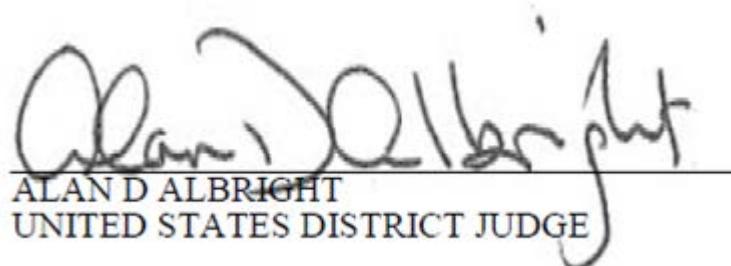
recommendation, and the applicable laws. After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Derek T. Gilliland, ECF No. 105, is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's objections are **OVERRULED**.

IT IS FINALLY ORDERED that Plaintiff's Motion to Dismiss and Strike, ECF No. 64, is **GRANTED IN PART** in accordance with the Report and Recommendation.

SIGNED this 15th day of February, 2024.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE